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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/253,048	02/19/1999	YASUHIITO INAGAKI	9792909-4094	5170

7590

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EXAMINER

MARKOFF, ALEXANDER

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 01/02/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/253,048

Applicant(s)

INAGAKI ET AL.

Examiner

Alexander Markoff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 25-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 25-41 are indefinite because claims 25 and 41 use improper alternative language.

Claims 25-41 are indefinite because they recite that the polymer used for obtaining the cleaning agent for the method of the invention is a waste material.

It is not clear what is referenced as a waste material and how the use of this term limits the claim. Which criteria should meet the polymer to be referenced as a waste material? What is a waste (useless or worthless) for one, is a needed material for another. Does this term requires any specific properties of the polymer?

It is noted that the similar rejection was made with respect the previously pending claims. The applicants failed to address the issue.

Claim 27 is indefinite because the term "the material to be processed" lacks proper antecedent basis.

Claim 27 is also indefinite because the term "the effluent water" lacks proper antecedent basis.

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Claim 28 is indefinite because the term “the effluent water” lacks proper antecedent basis.

Claim 28 is also indefinite because it is not clear whether or not “the processing agent” is the same as “the cleansing processing agent”.

Claim 29 is indefinite because the term “the effluent water” lacks proper antecedent basis.

Claim 30 is indefinite because the term “the material to be processed” lacks proper antecedent basis.

Claim 30 is also indefinite because it is not clear how can the cleansing processing agent be added at the time of disposal of the waste material if the cleansing agent is obtained by treating the waste material by acid or alkali.

Claim 30 is further indefinite because it is not clear what is referenced as “the time of disposal of the waste material. First, this term lacks proper antecedent basis. Second, the term “disposal” means an act or process of getting rid of something, while the claim teach a method for cleaning not getting rid of the material.

Claim 31 is indefinite because it is not clear how can the cleansing processing agent be sprayed on the waste material if the cleansing agent is obtained by treating the waste material by acid or alkali.

Claim 32 is indefinite because the term “the material to be processed” lacks proper antecedent basis.

Claim 32 is also indefinite because it lacks step of mixing needed to obtain “the material to be processed”.

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Claim 33 is indefinite because the term "the material to be processed" lacks proper antecedent basis.

Claim 33 is also indefinite because the term "the odor-emitting gas" lacks proper antecedent basis.

Claim 33 is further indefinite because the term "the odorous components" lacks proper antecedent basis.

Claim 38 is indefinite because it is not clear what is required by the recitation that "the acid comprises 10 to 100 moles based on the total monomer unit of the polymer".

How can the moles be based on the total monomer unit? What is a total monomer unit of the polymer?

It is also noted that the term "the total monomer unit" lacks proper antecedent basis.

Claim 41 is indefinite because the multiple part of the claim introduced by the clauses "wherein" are contradictive. It is not clear whether or not these part are required. If the parts are required than it is not clear how can they be presented in the same method.

Claim 41 is also indefinite because many used terms lack proper antecedent basis. For example "the material to be processed", "the effluent water". It is further not clear whether "the processing agent" and "the cleansing processing agent" are the same.

Claim 41 also contains the deficiencies indicated for other claims. At least claims 30 an 38.

It is believed that most of the deficiencies of the claims has been identified.

However, the applicants assistance in reviewing the claims and placing them in the correspondence with the requirements of 35 USC 112(2) is respectfully requested.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 25-41 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicants canceled previously pending claims and introduced the new claims.

The new claims require introducing an ion group into the cleansing processing agent comprising a polymer to which hydrophilic groups were introduced by adding acid or alkali. Such concept is not supported by the original disclosure.

Claim Objections

5. Claim 26 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

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dependent form, or rewrite the claim(s) in independent form. Claim 26 fails to limit the subject matter of claim 25, in contrast it is broader in scope than claim 26.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 703-308-7545. The examiner can normally be reached on Monday - Friday 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 703-308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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305-7719 for regular communications and 703-305-7718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

A handwritten signature in black ink, appearing to read 'Alex Markoff', written in a cursive style.

Alexander Markoff
Primary Examiner
Art Unit 1746

am
December 30, 2002

ALEXANDER MARKOFF
PRIMARY EXAMINER